

House File 2398 - Introduced

HOUSE FILE 2398

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2114)

A BILL FOR

1 An Act relating to the murder of a peace officer, reserve peace
2 officer, correctional officer, jailer, public employee, or
3 hostage, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 707.2, subsection 1, paragraph d, Code
2 2014, is amended to read as follows:

3 d. The person intentionally kills a peace officer,
4 ~~correctional officer, public employee, or hostage while the~~
5 ~~person is imprisoned in a correctional institution under the~~
6 ~~jurisdiction of the Iowa department of corrections, or in a~~
7 ~~city or county jail~~ or reserve peace officer when the officer
8 is in the performance of any act which is within the scope of
9 the lawful duty or authority of that officer and the person
10 knew or should have known the individual to be an officer.

11 Sec. 2. Section 707.2, subsection 1, Code 2014, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. g. The person intentionally kills a
14 correctional officer, jailer, public employee, or hostage while
15 the person is imprisoned in a correctional institution under
16 the jurisdiction of the Iowa department of corrections, or in
17 a city or county jail.

18 Sec. 3. Section 707.3, subsection 1, Code 2014, is amended
19 to read as follows:

20 1. a. A person commits murder in the second degree when the
21 person commits murder which is not murder in the first degree.

22 b. Murder in the second degree includes the following:

23 (1) The person kills a peace officer or reserve peace
24 officer when the officer is in the performance of any act which
25 is within the scope of the lawful duty or authority of that
26 officer and the person knew or should have known the individual
27 to be an officer.

28 (2) The person kills a correctional officer, jailer,
29 public employee, or hostage while the person is imprisoned in
30 a correctional institution under the jurisdiction of the Iowa
31 department of corrections, or in a city or county jail.

32 Sec. 4. Section 902.12, Code 2014, is amended to read as
33 follows:

34 **902.12 Minimum sentence for certain felonies — eligibility**
35 **for parole or work release.**

1 the first degree includes the intentional killing of a jailer
2 while the killer is incarcerated in a city or county jail.

3 Under current law, murder in the first degree includes the
4 intentional killing of a peace officer, correctional officer,
5 public employee, or hostage while the person is imprisoned in
6 a correctional institution under the jurisdiction of the Iowa
7 department of corrections, or in a city or county jail.

8 Murder in the first degree is a class "A" felony.

9 The bill bifurcates the penalty for murder in the second
10 degree. Under the bill, a person commits a class "B"
11 felony subject to a maximum term of confinement of 50 years,
12 classified as an 85 percent sentence under Code section
13 902.12, if the person does any of the following: kills a
14 peace officer or reserve peace officer when the officer is in
15 the performance of any act which is within the scope of the
16 lawful duty or authority of that officer and the person knew or
17 should have known the individual to be an officer; or kills a
18 correctional officer, jailer, public employee, or hostage while
19 the person is imprisoned in a correctional institution under
20 the jurisdiction of the Iowa department of corrections, or in
21 a city or county jail.

22 All other murder in the second degree offenses are a class
23 "B" felony subject to a maximum term of confinement of 50
24 years, classified as 70 percent sentences under Code section
25 902.12.